

12-08-03

2182

Attorney Docket No. BEA91590003US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas B. Berg, *et al.*

Application No.: 10/045,798

Group Art Unit: 2182

Filed: 01/09/2002

Examiner: NGUYEN, Tanh Q.

Title: Increased Computer Peripheral Throughput By Using Data Available Withholding

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DEC 10 2003

Commissioner for Patents

P.O. Box 1450

Technology Center 2100

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed November 4, 2003, Applicants provisionally elect with traversal to prosecute the subject matter of Group I, identified by Claims 1-14.

TRAVERSAL OF RESTRICTION REQUIREMENT

The Examiner has stated that restriction to one of the following inventions is required under 35 U.S.C. §121:

I. Claims 1-14, drawn to outputting a second write data only after completion of a first data write, classified in class 710, subclass 6.

II. Claims 15 and 19, drawn to preventing issuance of a subsequent data write before a previous data write is completed, classified in class 712, subclass 214.

III. Claims 16, drawn to data transaction being outputted in the same sequence as issued by a peripheral computer device, classified in class 709, subclass 106.

IV. Claims 17-18, drawn to activating each memory transaction request when all previously issued write transactions have been completed, classified in class 709, subclass 102.

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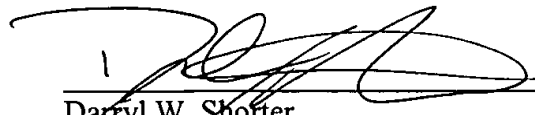
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As the Examiner has stated in the above groupings, all of the claims are drawn to the same invented subject matter, processing data writes and data transactions from peripheral devices or other computer peripheral components simultaneously without distortion of the data transaction timing sequence. For example, the Examiner states in Group I that Claims 1-14 are drawn to "outputting a second write data only after completion of a first write data," and in Group III, that Claim 16 is drawn to a data transaction being outputted in the same sequence as issued by a peripheral computer device." Group I and Group III claims, therefore, define the same invention, or groups of claims that are sufficiently related as to be encompassed by a single search by the Examiner.

The claims of Groups I - IV define the characteristics of a disclosed embodiment of the invention. In accordance with MPEP §806.03, claims that are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition, should never be required to be restricted therebetween. MPEP §806.03. Clearly the Examiner's definitions of the subject matter of the currently pending claims are definitions of essentially the same disclosed subject matter which vary in breadth or scope; and therefore the restriction is in error.

Accordingly, Applicants' respectfully request that the requirement for restriction be reconsidered, and the requirement withdrawn. Should the Examiner have any questions or comments regarding Applicants' response, he is asked to contact Applicants' undersigned representative at (215) 575-7194.

Respectfully submitted,



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Date: **December 4, 2003**

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